

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN G. REYNA, JR.,

Defendant.

8:98CR106

ORDER

Defendant Juan G. Reyna, Jr. (Reyna) appeared before the court on November 4, 2011, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 410). Reyna was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Special Assistant U.S. Attorney Martin J. Conboy, IV. Through his counsel, Reyna waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Reyna should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Reyna declined to present any evidence or request a detention hearing. Since it is Reyna's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Reyna has failed to carry his burden and that Reyna should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on December 14, 2011**. Defendant must be present in person.

2. Defendant Juan G. Reyna, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 4th day of November, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge